

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04CV241-1-MU

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|---------------------------|---|------------------|
| LEROY KILLIAN, |) | <u>O R D E R</u> |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |
| |) | |

THIS MATTER comes before the Court upon Petitioner's Motion for Copies of Documents, filed April 21, 2006.

On March 6, 2006, Respondent filed a Motion for Summary Judgment arguing that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence should be dismissed. Petitioner's response to Respondent's Motion for Summary Judgment is due June 10, 2006.

In a recent letter motion, Petitioner informed the Court that when he was transferred to U.S.P., Hazelton in December 2005, all of his property, including his legal materials, were lost. In his April 7, 2006, request for an extension of time, Petitioner submitted documents supporting his assertion that his property has been lost and that an investigation has failed to discover there whereabouts.

In his present letter motion, Petitioner asserts that he needs copies of all the motions that he has filed between 2001 and 2004 and all three indictments and transcript in order to be able to respond to Respondent's Motion for Summary Judgment. While the Court is sympathetic to Petitioner's possible need for additional documents, a more specific request for particular

documents with an accompanying explanation as to why they are needed is required in order for the Court to assist Petitioner. The Court notes that the Motion for Summary Judgment and its numerous exhibits were sent to Petitioner at his new address. Based upon the dates available to the Court, however, it appears that Petitioner may not have a copy of his Motion to Vacate or his Motion to Amend. As these are obviously documents Petitioner would need the Court will send Petitioner copies of these documents.

THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion for Copies of Documents is GRANTED in part and the Clerk is directed to send Petitioner a copy of his May 15, 2004, Motion to Vacate and his June 16, 2004, Motion to Amend.

Signed: May 19, 2006



Graham C. Mullen
United States District Judge

